

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SUNNOVA ENERGY  
CORPORATION,**  
*Plaintiff,*

v.

**VISION SOLAR LLC,**  
*Defendant.*

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**1:23-CV-00435-ADA-**

**ORDER ADOPTING MAGISTRATE  
JUDGE’S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Susan Hightower. ECF No. 26. The report recommends that this Court denies Plaintiff Sunnova’s Motion for Default Judgment and Motion for Attorneys’ Fees (Dkt. 10); grants Defendant Vision Solar’s Motion to Vacate Entry of Default (Dkt. 15); dismiss without prejudice Plaintiff Sunnova’s Alternative Motion for Summary Judgment (Dkt. 17); and dismiss without prejudice Defendant Vision Solar’s Cross-Motion for Partial Summary Judgment (Dkt. 21). The report and recommendation was filed on October 11th, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). As of today, neither party has filed objections.

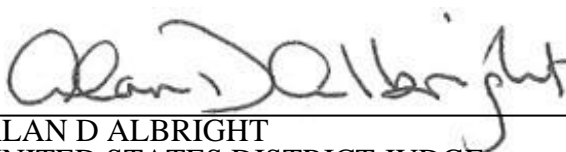
When no objections are timely filed, a district court reviews the magistrate judge’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). The Court has reviewed the report and recommendation and finds no clear error.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of United States Magistrate Judge Hightower (ECF No. 26) is **ADOPTED**.

**IT IS FURTHER ORDERED** that this Court:

- **DENIES** Plaintiff Sunnova' Motion for Default Judgment and Motion for Attorneys' Fees (Dkt. 10);
- **GRANTS** Defendant Vision Solar's Motion to Vacate Entry of Default (Dkt. 15);
- **DISMISSES without prejudice** Plaintiff Sunnova's Alternative Motion for Summary Judgment (Dkt. 17) and Defendant Vision Solar's Cross-Motion for Partial Summary Judgment (Dkt. 21)

**SIGNED** this 16th day of November, 2023.

  
ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE